

MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY JANUARY 20, 1994 8:00 P.M. TRUSTEES MEETING ROOM, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Robert D. Reisman, Mayor
Dennis P. Flood, Trustee
Garrard R. Beeney, Trustee
Robert H. Pouch, Trustee
Kevin J. Plunkett, Village Attorney
Stephen A. McCabe, Administrator
Lawrence S. Schopfer, Clerk-Treasurer
Robert M. Bauer, Superintendent of Public Works
Eugene Hughey, Building Inspector

The meeting was called to order by Mayor Reisman who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Reisman opened the floor to public comment. There was no comment from those in attendance.

Upon motion duly made and seconded and unanimously approved, the Board approved the minutes of the Village Board meeting of January 3, 1994 as amended.

Upon motion duly made and seconded and unanimously approved, the Board adopted the attached schedule pertaining to the upcoming Village Elections to be held on March 15, 1994.

Mayor Reisman reviewed correspondence from: Eileen Pilla, Mayor of Tarrytown, Dr. Bergman, Westchester/Putnam Legal Services, Kathleen O'Hara, Audrey Woods, An anonymous Hastings resident, City of Yonkers, and Terry Masterson. Copies of the correspondence is attached hereto as a part of these minutes.

Village Administrator Steve McCabe indicated that a master plan had been developed with respect to ADA compliance in Village-owned buildings. Upon motion duly made and seconded and unanimously approved, the Board adopted the master plan as presented. A copy of which is on file with the Village Clerk.

In addition, Mr. McCabe indicated that the Village would be applying for a CDBG in the amount of \$310,500 with \$55,000 to be contributed by the Village in connection with the aforementioned ADA compliance project. Upon motion duly made and seconded and unanimously approved, the Board endorsed the submission of such application.

Upon motion duly made and seconded and unanimously approved, the Board endorsed a CDBG application requesting \$45,000 to fund a senior citizens bus, with \$71,850 to be contributed by the Village.

In connection with the proposed settlement with Westwood, Hartz, and Pateman, the Mayor made the following statement:

"We have before us tonight three Stipulations of Settlement involving Land Use litigation against the Village. The terms of the Stipulations are the result of months of negotiations amongst the Village, through the Village Attorney and Special Counsel and the representatives of the three litigants, Hartz Irvington Associates; Westwood Associates and Charles M. Pateman III. When I became Mayor, one of my objectives was to try to bring the Land Use litigation to a reasonable conclusion--I believe and hope this Board has accomplished this.

Basically, the litigation as to the Village and the various Boards named in the different litigations will be suspended pending this Board's consideration of certain legislation permitting the Planning Board some flexibility in determining the site capacity for development of large (25 acres or above) parcels within the Village. If such legislation is enacted the Planning Board, WITH NO CONSTRAINTS FROM THIS BOARD OR FROM THE SETTLEMENT STIPULATIONS will consider certain development applications for the Westwood Parcel in accordance with all applicable laws, rules, regulations, including the State Environmental Quality Review Act.

If after the Planning Board reviews the applications it is determined that the development will proceed, the Village will receive a deed to certain property owned by Westwood nearest to the Irvington Reservoir in exchange for certain Village property near the existing compost dump off Peter Bont Road. The Village would also receive at the time of issuance of a C of O a monetary contribution to the Village on a lot by lot basis.

As to any litigation naming former or present Village officers, employees or volunteers, that litigation will be dismissed with prejudice and general releases exchanged.

All the members of this Board including the one absent member, Trustee Seaman, together with representatives of the Planning Board and ZBA have been kept abreast of negotiations over the past months. It is the overwhelming consensus that by entering into the Stipulations, this Board is moving Irvington out of an era of land-use litigation into an era of increased ratables which will protect the tax base for all Village residents while at the same time not compromising the environmentally sensitive areas of this Village."

Upon motion duly made and seconded and unanimously approved, the Board authorized the Mayor to execute Stipulations of Settlement, in a form acceptable to the Village Attorney, with respect to Westwood, Hartz, and Pateman litigation.

Trustee Pouch reported on current recreation programs and commended the staff of the Recreation Department. In addition, he presented drawings of the proposed Library of the Burnham Building.

Trustee Flood reported that the DPW crews have been out during the recent wintry weather. He and other members of the audience commended the members of the DPW for their hard work during this difficult winter. In addition, he reported that there was a meeting with Westchester County regarding the Affordable Housing project in order to ensure that both the Village and the County are moving in the same direction. He also noted that the Cable TV committee met on January 19, 1994 and that a Cable TV committee meeting is scheduled for February 16, 1994.

Village Administrator Steve McCabe indicated that there would be an informational hearing held at the Village Board meeting of February 7, 1994 regarding the proposed purchase of 29 Bridge Street by Diamond Dairy and the related noise ordinance issues. In addition, he indicated that there would be a public hearing to consider the adoption of a local law requiring certiorari filers to furnish financial information to the Village. He also discussed the Building Department annual report, a copy of which is attached hereto as a part of these minutes.

Village Attorney Kevin Plunkett indicated that the Board would be presented with the proposed remedial legislation and an appropriate Environmental Assessment Form with respect to the previously discussed Stipulations of Settlement. He also indicated that because adoption of such is a legislative act by the Board, the legislation need not be refereed to the Planning Board.

Upon a motion duly made and seconded and unanimously approved, the Board adjourned to executive session to take up litigation and personnel matters.

After reconvening from executive session, upon a motion duly made and seconded and unanimously approved, the Board rescinded the resolution previously adopted at this meeting regarding the endorsement of the CDBG application in connection with the ADA compliance project in the amount of \$310,500 with \$55,000 to be contributed by the Village.

Furthermore, upon motion duly made and seconded and unanimously approved, the Board endorsed the CDBG application in the amount of \$319,500 with \$100,000 to be contributed by the Village in connection with the aforementioned ADA compliance project.

There being no further business to conduct, the meeting was adjourned.

Lawrence S. Schopfer, Clerk-Treasurer

Attachments